

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – Second Regular Session

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

3-2-16

COMMITTEE ON JUDICIARY

Report of Regular Meeting
Wednesday, March 2, 2016
House Hearing Room 3 -- 10:00 a.m.

Convened 10:06 a.m.

Recessed

Reconvened

Adjourned 11:27 a.m.

Members Present

Mr. Frieze
Mr. Hale
Mr. Kern
Mr. Mesnard
Mr. Borrelli, Vice-Chairman
Mr. Farnsworth, Chairman

Members Absent

Agenda

Original Agenda – Attachment 1

Request to Speak

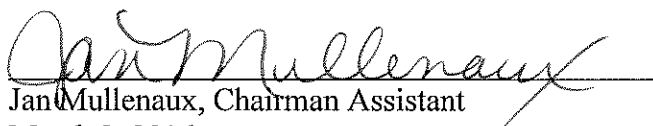
Report – Attachment 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
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Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Attendance)</u>
SB1047	DP	6-0-0-0	3, 4
SB1210	DP	6-0-0-0	5, 6
SB1286	DPA	6-0-0-0	7, 8, 9
SB1214	DP	5-0-0-1	10, 11
SB1295	DP	6-0-0-0	12, 13
SB1106	DP	6-0-0-0	14, 15
	COMMITTEE ATTENDANCE		16


Jan Mullenau, Chairman Assistant
March 2, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

COMMITTEE ON JUDICIARY
Wednesday, March 2, 2016

Convened 10:06am
adjourned 11:27am

REVISED - 02/29/16

REVISED - 02/29/16

REVISED - 02/29/16

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

REGULAR MEETING AGENDA

COMMITTEE ON JUDICIARY

DATE Wednesday, March 2, 2016

ROOM HHR 3

TIME 10:00 A.M. NOTE TIME
CHANGE
9:00 A.M.

Members:

Mr. Friese
Mr. Hale

Mr. Kern
Mr. Mesnard

Mr. Borrelli, Vice-Chairman
Mr. Farnsworth E, Chairman

Bills	Short Title	Strike Everything Title
SB1047	<u>dp</u> county attorney; powers and duties (Kavanagh) <u>6-000</u> JUD, RULES	
SB1106	<u>dp</u> food stamp benefits; unlawful use (Barto) <u>6-000-0</u> JUD, RULES	
SB1210	<u>dp</u> resource center fund; purposes (Kavanagh: Allen S, Begay, et al) <u>6-000-0</u> JUD, RULES	
SB1214	<u>dp</u> criminal trials; location (Smith, Dalessandro: Ackerley, et al) <u>5-0-0-1</u> JUD, RULES	
SB1286	<u>dp</u> internet sex offender website; offenses (Kavanagh) <u>6-0-0-0</u> JUD, RULES	

Bills

Short Title

Strike Everything Title

ADDENDUM #1 - 02/29/16

SB1295

dp

DUI; watercraft; medical practitioner;
authorization

6-0-0-0

(Driggs, Allen S)

JUD, RULES

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

jm
2/29/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Judiciary (3/2/2016)

SB1047, county attorney; powers and duties

Testified in support:

Megan Kintner, AZ ASSOCIATION OF COUNTIES

Support:

Kristin Cipolla, Leg. Liaison, County Supervisors Association Of Arizona; kathleen mayer, Pima County Attorney's Office; Rebecca Baker, Maricopa County Attorney's Office; Andrew LeFevre, Arizona Criminal Justice Commission

All Comments:

Kristin Cipolla, County Supervisors Association Of Arizona: .

SB1106, food stamp benefits; unlawful use

Testified in support:

Kathy Ber, DES Director of Legislative Services, Arizona Department Of Economic Security

Neutral:

Corey Spofford, representing self

SB1210, resource center fund; purposes

Testified in support:

Andrew LeFevre, Arizona Criminal Justice Commission

Support:

Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL

SB1214, criminal trials; location

Testified in support:

Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL

Support:

Megan Kintner, AZ ASSOCIATION OF COUNTIES; kathleen mayer, Pima County Attorney's Office; Rebecca Baker, Maricopa County Attorney's Office; Andrew LeFevre, Arizona Criminal Justice Commission

SB1286, internet sex offender website; offenses

Testified in support:

Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL; Kara Helland, representing self

Testified as neutral:

Cheryl Campbell, representing self

Testified as opposed:

Jeffrey Garami, representing self

Support:

Margot Leal, City Of Phoenix; Megan Kintner, AZ ASSOCIATION OF COUNTIES; kathleen mayer, Pima County Attorney's Office; Rebecca Baker, Maricopa County Attorney's Office; Andrew LeFevre, Arizona Criminal Justice Commission

Neutral:

Courtney Coolidge, AZ DEPT OF PUBLIC SAFETY

All Comments:

Jeffrey Garami, Self: Change in law is not necessary.

SB1295, DUI; watercraft; medical practitioner; authorization

Testified in support:

Mark Barnes, AZ NATUROPATHIC MEDICAL ASSN

Testified as opposed:

Kimberly MacEachern, AZ PROSECUTING ATTORNEYS ADVISORY COUNCIL

Support:

Rory Hays, Arizona Nurses Association

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Judiciary Bill Number SB 1214
Date 3/2/16 ☒ Support ☐ Oppose ☐ Neutral
Name Rachel Caldwell Need to Speak? ☒ Yes ☐ No
Representing APAAE Are you a registered lobbyist? NO
Complete Address 1951 W. Camelback Rd #202 PHX 85015
E-mail Address rachel.caldwell@apaae.az.gov Phone Number 480 220 4044
Comments: _____

FIVE-MINUTE SPEAKING LIMIT

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on _____ Bill Number SB 1286
Date 02-02-16 ☒ Support ☐ Oppose ☐ Neutral
Name K.C. CLARK Need to Speak? ☐ Yes ☐ No
Representing NAVAJO COUNTY SHERIFF Are you a registered lobbyist? NO
Complete Address 137 W. ARIZONA HOLBROOK AZ 86025
E-mail Address KE.CLARK@NAVAJOCOUNTYAZ.GOV Phone Number 928-587-9702
Comments: _____

FIVE-MINUTE SPEAKING LIMIT

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Judiciary Bill Number SB 1284
Date 3/2/14 ☐ Support ☐ Oppose ☐ Neutral
Name Kara Helland Need to Speak? ☒ Yes ☐ No
Representing Navajo County Are you a registered lobbyist? No
Complete Address 2151 E. Ridge Dr. Pinetop
E-mail Address Karahelland@ Phone Number 928.521.3001
Comments: Cablecone.net

FIVE-MINUTE SPEAKING LIMIT



HOUSE OF REPRESENTATIVES

SB 1047

county attorney; powers and duties

Prime Sponsor: Senator Kavanagh, LD 23

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1047 allows a county attorney to provide civil legal services to another city, town or county at the request of that county, city or town's *general counsel*.

PROVISIONS

1. Permits a county attorney to provide civil legal services to another county or political subdivision or to an officer, employee or agency of a political subdivision at the request of the entity's *general counsel*.
2. Defines *general counsel* as an elected or appointed county attorney, city attorney or town attorney.
3. Makes technical changes.

CURRENT LAW

A.R.S. § 11-532 outlines the powers and duties of the county attorney, who is the public prosecutor for the county. Laws 2010, Ch. 319, § 1 added Subsection E, which allows any county attorney to provide civil legal services for another county or political subdivision pursuant to an intergovernmental agreement (IGA) entered into by the county and the other entity. The IGA must include any payment that will be made and the scope of representation. This section also permits a county attorney to obtain civil legal services for the county or for any officer, employee or agency of the county from another county or political subdivision, pursuant to an IGA.

A.R.S. Title 11, Chapter 7, Article 3 governs the joint exercise of powers for counties. A.R.S. § 11-952 grants the authority for public agencies to enter into IGAs, includes the information that must be included in IGAs and outlines the process for adopting an IGA. All IGAs must be submitted to the entity's attorney to determine whether the agreement is in proper form and within the powers and authority granted to the entity. Prior to being effective, an IGA must be adopted through ordinance or resolution by the governing body of each participating agency.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. SB 1047

DATE March 2, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Frieze		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	D

APPROVED:

Eddie Farnsworth

EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman

Jan Mullenbaux
COMMITTEE SECRETARY

ATTACHMENT 4



HOUSE OF REPRESENTATIVES

SB 1210

resource center fund; purposes

Prime Sponsor: Senator Kavanagh, LD 23

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1210 allows monies in the Resource Center Fund (Fund) to be used to fund the Arizona Statistical Analysis Center.

PROVISIONS

1. Permits the Arizona Criminal Justice Commission (ACJC) Fund to be used to fund the Arizona Statistical Analysis Center.
2. Removes reporting requirements specific to the Drug and Gang Prevention Resource Center (Resource Center).
3. Makes technical changes.

CURRENT LAW

A.R.S. § 41-2402 outlines the Drug and Gang Enforcement Account (Account) that is established in the Criminal Justice Enhancement Fund. The Account is appropriated monies primarily by the legislature for the purposes of enhancing efforts to deter, investigate, prosecute, adjudicate and punish drug offenders and gang members (FY 2017 Baseline Report). The ACJC is permitted to distribute monies from the Account to specific programs or agencies conducting activities for drug and gang enforcement.

The Fund consists of monies received through notary bonds (A.R.S. § 41-178), the state treasury (A.R.S. § 12-284.03) and monies received from public or private gifts, grants or other sources. Monies in the Fund are subject to legislative appropriation and are used entirely for the Arizona Youth Survey. These monies are subject to the reporting requirements prescribed in A.R.S. § 41-617.01.

A.R.S. § 41-617.01 states that the Resource Center must annually submit a report to the Governor, President of the Senate and Speaker of the House of Representatives. This report must include:

- Information regarding the current and future activities of the Resource Center;
- The source and use of monies received by the Resource Center to fund its activities; and
- Recommendations for administrative or legislative action.

ADDITIONAL INFORMATION

The ACJC created the Arizona Statistical Analysis Center to collect, analyze and report on the state of criminal justice issues in Arizona. The Arizona Statistical Analysis Center evaluates programs and policies of local, state and federal criminal justice agencies. The Arizona

SB 1210

Statistical Analysis Center also shares information and data in regards to the criminal and juvenile justice systems in Arizona to policymakers, practitioners and the general public.

The ACJC created the Arizona Youth Survey to gather information and data relating to substance abuse prevention planning and grant writing. The focus of the survey is to better understand the prevalence and frequency of problematic youth behaviors such as juvenile delinquency, gang involvement and alcohol, tobacco and illegal drug use.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. SB 1210

DATE March 2, 2016 MOTION: Exp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Frieze		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:



EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 6



HOUSE OF REPRESENTATIVES

SB 1286

internet sex offender website; offenses
Prime Sponsor: Senator Kavanagh, LD 23

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1286 adds persons convicted of specific offenses to the Arizona Department of Public Safety's (ADPS) internet sex offender website (website).

PROVISIONS

1. Adds any person convicted or adjudicated guilty except insane (GEI) of the following offenses to the website:
 - a. Sexual assault (A.R.S. § 13-1406);
 - b. Sexual exploitation of a minor (A.R.S. § 13-3553);
 - c. Commercial sexual exploitation of a minor (A.R.S. § 13-3552);
 - d. Taking a child for the purpose of prostitution (A.R.S. § 13-3206);
 - e. Child prostitution (A.R.S. § 13-3212) offenses related to:
 - Causing a minor to engage in prostitution;
 - Using a minor for prostitution;
 - Permitting a minor under the person's custody/control to engage in prostitution;
 - Receiving any benefit for procuring or placing a minor for prostitution;
 - Financing, managing, supervising, controlling or owning prostitution activity involving a minor;
 - Transporting or financing transportation for a minor with the intent that the minor engage in prostitution;
 - Knowingly engaging in prostitution with a minor under 15 years of age;
 - Knowingly engaging in prostitution with a minor the person knows or should have known is 15, 16 or 17 years old;
 - f. Luring (A.R.S. § 13-3554) or aggravated luring (A.R.S. § 13-3560) of a minor for sexual exploitation;
 - g. Any of the following if the victim is under 12 years old:
 - Sexual abuse (A.R.S. § 13-1404);
 - Molestation (A.R.S. § 13-1410);
 - Sexual conduct with a minor (A.R.S. § 13-1405);
 - Continuous sexual abuse of a child (A.R.S. § 13-1417).
2. Applies these changes to all persons convicted or adjudicated GEI before, on or after the effective date.
3. Makes technical and conforming changes.

CURRENT LAW

A.R.S. Title 13, Ch. 38, Article 3 governs the registration and community notification for sex offenders in Arizona. A.R.S. § 13-3821 outlines who must register as a sex offender and prescribes requirements for registration.

Separate from the act of registering as a sex offender, specific offenders are also subject to community notification, as outlined in A.R.S. § 13-3826. Community notification was added to Arizona statutes in 1996 through the enactment of “Megan’s Law.” Community notification was originally applied prospectively to offenders convicted after June 1, 1996. In 2004, the Legislature enacted SB 1291, which applied community notification to all registered sex offenders, regardless of when the offender was convicted (Laws 2004, Ch. 308).

To conduct community notification, first the offender is screened using a 19-point risk assessment, which results in a numerical score. The score determines if the offender will be categorized as a Level 1, Level 2 or Level 3 risk to the community. Offenders given a Level 2 or Level 3 designation are subject to community notification and they are included on the website pursuant to A.R.S. § 13-3827. The website includes the offender’s name, address, age, current photograph and the offense that the offender committed. Each entry must be annually updated by ADPS.

SB 1291 made conducting the risk assessment on offenders convicted before June 1, 1996 permissive, allowing the agency with custody or supervision responsibility to conduct the risk assessment. The statute explicitly states that community notification cannot be conducted until after a risk assessment has been completed on the offender.

ADDITIONAL INFORMATION

According to ADPS, there are currently 15,438 registered sex offenders in Arizona. Of those:

- 3,809 are classified as Level 1;
- 3,922 are classified as Level 2;
- 2,467 are classified as Level 3;
- 3,044 are not currently classified (juvenile adjudications not subject to notification requirements / persons who were convicted prior to 1996 and for whom a risk assessment has not been completed); and
- 2,196 have not been classified due to incarceration.

ADPS estimates that it will have to review the files for 6,853 offenders to determine if they meet the criteria to be added to the website.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1286

(Reference to Senate engrossed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 13-3825, Arizona Revised Statutes, is amended to
3 read:

4 13-3825. Community notification

5 A. Within seventy-two hours after a person who was convicted or
6 adjudicated guilty except insane is released from confinement or who was
7 accepted under the interstate compact for the supervision of parolees and
8 probationers and has arrived in this state, the agency that had custody or
9 responsibility for supervision of the person who was convicted of or
10 adjudicated guilty except insane for committing an offense for which the
11 person was required or ordered by the court to register pursuant to section
12 13-3821 or that has accepted supervision under the interstate compact for the
13 supervision of parolees and probationers shall provide all of the following
14 information to the department of public safety by entering all of the
15 following information into the sex offender profile and notification
16 database:

17 1. The offender's identifying information.

18 2. A risk assessment of the offender.

19 3. The offender's date of release from confinement or, if the offender
20 is sentenced to probation without jail time, the date the sentence is
21 imposed.

22 B. Following the tenth day after the person is released from
23 confinement or, if the offender is sentenced to probation without jail time,

Attachment 8

Adopted ☒ # of Verbals

Failed Withdrawn

Not Offered Analysts Initials XP

1 the date the sentence is imposed, the department of public safety shall
2 cross-reference the information the department receives pursuant to
3 subsection A of this section with the sex offender registry to determine if
4 the person is registered as required or ordered by the court pursuant to
5 section 13-3821. If the person is not registered, the local law enforcement
6 agency or the department of public safety shall request that the county
7 attorney in the county in which the person was convicted or adjudicated
8 guilty except insane petition the court for an arrest warrant to be issued
9 and, if appropriate, notify the interstate compact administrator for this
10 state. If the person is registered, the department of public safety shall
11 forward the information the department received pursuant to subsection A of
12 this section to the sheriff in the county where the person is registered.

13 C. The community notification requirements are as follows:

14 1. For level two and level three offenders, the notification must be
15 made to the surrounding neighborhood, area schools, appropriate community
16 groups and prospective employers. The notification must include a flyer with
17 the offender's photograph and exact address and a summary of the offender's
18 status and criminal background. A press release and a level two or level
19 three flyer must be given to the local electronic and print media to enable
20 information to be placed in a local publication.

21 2. For level one offenders, the local law enforcement agency that is
22 responsible for notification shall maintain information about the offender.
23 The local law enforcement agency may disseminate this information to other
24 law enforcement agencies and may give notification to the people with whom
25 the offender resides.

26 D. After receiving the information pursuant to subsection B of this
27 section, the sheriff shall forward the information to the chief law
28 enforcement officer of the community in which the person resides. After
29 reviewing the information received and any other information available to the
30 local law enforcement agency, the local law enforcement agency shall
31 categorize each offender and place each offender into a notification level.
32 Within forty-five days, the local law enforcement agency shall notify the

1 community of the offender's presence in the community pursuant to the
2 ~~guidelines prescribed by~~ subsection C of this section. If the community does
3 not have a chief law enforcement officer, the sheriff shall perform the
4 duties of the local law enforcement agency.

5 E. If a person who has been convicted of or adjudicated guilty except
6 insane or not guilty by reason of insanity for an offense in another state
7 registers pursuant to section 13-3821, subsection A, the sheriff in the
8 county in which the person registers shall forward the information to the
9 chief law enforcement officer of the community in which the person resides.
10 The chief law enforcement officer shall contact the state in which the person
11 was convicted or adjudicated guilty except insane or not guilty by reason of
12 insanity and shall obtain information regarding the person. After reviewing
13 the information received and any other information available, the local law
14 enforcement agency shall complete the risk assessment, shall categorize the
15 person, shall place the person into a notification level and shall enter the
16 information into the computer system. If the law enforcement agency is
17 unable to obtain sufficient information to complete the sex offender
18 community notification risk assessment, the agency shall categorize the
19 offender as a level two offender. Within forty-five days, the local law
20 enforcement agency shall notify the community of the person's presence in the
21 community pursuant to ~~the guidelines prescribed by~~ subsection C of this
22 section. If the community does not have a chief law enforcement officer, the
23 sheriff shall perform the duties of the local law enforcement agency.

24 F. On receiving notice pursuant to section 13-3822 that a person who
25 is required to register has moved from the person's address, the chief law
26 enforcement officer of the community to which the person has relocated may
27 notify that community of the person's relocation to the community, pursuant
28 to subsection D of this section. If the community does not have a local law
29 enforcement agency, the sheriff of the county to which the person has
30 relocated shall notify the community of the person's relocation.

31 G. In cooperation with the county probation department or the state
32 department of corrections, a law enforcement agency may delegate all or part

1 of the notification process for offenders on community supervision to the
2 county probation department or to the state department of corrections, as
3 appropriate.

4 H. Information concerning a person who is required to register
5 pursuant to section 13-3821, who is subject to the provisions of community
6 notification and who is a student at a public or private institution of
7 postsecondary education or who is employed or carries on a vocation, with or
8 without compensation, at a public or private institution of postsecondary
9 education shall be promptly made available by the county sheriff to the law
10 enforcement agency having jurisdiction for performing community notification
11 pursuant to ~~guidelines prescribed by~~ subsection C of this section. The law
12 enforcement agency shall notify the institution's administration and shall
13 complete appropriate campus notification pursuant to ~~guidelines prescribed by~~
14 subsection C of this section.

15 I. This section does not prohibit law enforcement officers from giving
16 a community notice of any circumstances or persons that pose a danger to the
17 community under circumstances that are not provided for under this section.

18 J. Except as provided in subsection K of this section, this section
19 applies to all persons who are subject to the registration requirements in
20 section 13-3821 whether or not the person was convicted or adjudicated guilty
21 except insane before or after June 1, 1996.

22 K. This section does not apply to persons who are subject to the
23 registration requirements in section 13-3821 as a result of offenses
24 adjudicated by a juvenile court unless ordered by the court.

25 L. Notwithstanding subsections B and D of this section, the agency
26 that had custody or responsibility for supervision of an offender or the
27 court that sentenced the offender who was convicted of or adjudicated guilty
28 except insane for committing an offense that subjects the offender to the
29 registration requirements of section 13-3821 and who committed the offense
30 before June 1, 1996 may conduct a risk assessment for the offender as
31 existing resources are available pursuant to ~~guidelines prescribed by~~
32 subsection C of this section. Community notification pursuant to this

House Amendments to S.B. 1286

1 section and sex offender website notification pursuant to section 13-3827,
2 SUBSECTION A, PARAGRAPH 1 shall only be conducted after the risk assessment
3 is complete.

4 M. The court may continue, defer or terminate community notification
5 after a hearing held pursuant to section 13-923."

6 Renumber to conform

7 Page 1, line 5, after the second semicolon insert "exception:"

8 Page 3, between lines 4 and 5, insert:

9 "J. THIS SECTION DOES NOT APPLY TO AN OFFENDER DURING ANY TIME THAT
10 THE OFFENDER IS INCARCERATED IN THE STATE DEPARTMENT OF CORRECTIONS."

11 Reletter to conform

12 Line 10, before "Section" insert "A."

13 After line 14, insert:

14 "B. Notwithstanding section 13-3827, Arizona Revised Statutes, as
15 amended by this act, the department of public safety is not required to
16 include the name and information of an offender on the internet sex offender
17 website until July 1, 2017 if the offender was convicted of an offense listed
18 in section 13-3827, subsection A, paragraph 2, Arizona Revised Statutes, as
19 added by this act, before the effective date of this act."

20 Amend title to conform

EDDIE FARNSWORTH

1286FARNSWORTH E
02/29/2016
05:47 PM
C: sp

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. SB 1286

DATE March 2, 2016 MOTION: dpa

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Frieese		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:



EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 9



HOUSE OF REPRESENTATIVES

SB 1214

criminal trials; location

Prime Sponsor: Senator Smith, LD 11

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1214 provides that the trial for a criminal offense committed in transit may occur in any county through which the transit occurred.

PROVISIONS

1. States that the trial for any offense committed in transit may be held in any county through which the transit occurred.

CURRENT LAW

A.R.S. § 13-109 requires crimes to be tried in the county where the offense or the result of the conduct occurred. The statute outlines several special provisions, including if an offense is committed in transit on any railroad, train, automobile, vessel or other conveyance and the actual county where the offense occurred is not easily determined. In this case, the trial may be held in any of the counties through or over which the conveyance passed.

Attachment 10

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session


ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. SB 1214

DATE March 2, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			
Mr. Hale					✓
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		5	0	0	1

APPROVED:



EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 11



HOUSE OF REPRESENTATIVES

SB 1295

DUI; watercraft; medical practitioner; authorization
Prime Sponsor: Senator Driggs, LD 28

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1295 modifies a defense to driving under the influence (DUI) or operating motorized watercraft under the influence (OUI) of drugs.

PROVISIONS

1. Expands the defense to prosecution for a DUI or OUI violation resulting from the person having any drug or its metabolite in the person's body to include if the person is using a drug prescribed by a licensed medical practitioner who is authorized to prescribe the drug.

CURRENT LAW

A.R.S. § 5-395 and A.R.S. § 28-1381 make it illegal to operate either a motorized watercraft or a vehicle under the influence of alcohol or drugs. The offense is split into three categories:

- Operating under the influence of drugs or alcohol, if the person is impaired to the slightest degree;
- Operating within two hours of having an alcohol concentration of 0.08 or greater;
- Operating while there is any drug as defined in A.R.S. § 13-3401 or the drug's metabolite in the person's body.

Current law provides a defense to the third category, commonly referred to as an (A)(3) violation, if the person using the drug has it prescribed by a medical practitioner licensed to practice under any of the following statutes:

- A.R.S. Title 32, Ch. 7 (Podiatry)
- A.R.S. Title 32, Ch. 11 (Dentistry)
- A.R.S. Title 32, Ch. 13 (Medicine and Surgery)
- A.R.S. Title 32, Ch. 17 (Osteopathic Physicians & Surgeons)

In addition to the medical professionals listed above, the following individuals are also currently authorized to prescribe drugs:

- Physician Assistants (A.R.S. § 32-2532)
- Registered Nurse Practitioners (A.A.C. R4-19-507)
- Naturopathic Physicians (A.R.S. § 32-1501(15))
- Optometrists (A.R.S. 32-1701)
- Homeopathic Medical Doctors (A.R.S. 32-2901)
- Veterinarians; scope of practice limited to treating animals (A.R.S. 32-2281)

ADDITIONAL INFORMATION

More information about the prescriptive authority of health professionals can be found [here](#).

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Judiciary

ARIZONA HOUSE OF REPRESENTATIVES
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ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. SB 1295

DATE March 2, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:



EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 13



HOUSE OF REPRESENTATIVES

SB 1106

food stamp benefits; unlawful use
Prime Sponsor: Senator Barto, LD 15

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

SB 1106 prohibits the sale, transfer, acquisition or redemption of food stamps for cash or items other than *eligible food*.

PROVISIONS

1. Makes it unlawful to buy, sell, transfer, acquire or redeem food stamps or other *eligible food* purchased with food stamps in exchange for cash or items other than *eligible food*. Makes it a Class 5 felony (presumptive 1½ years of incarceration, fine of up to \$150,000 plus surcharges).
2. Defines *eligible food* as any of the following:
 - a. Any food or food product intended for human consumption with specific exceptions;
 - b. Seeds and plants to grow foods for personal consumption of an eligible household;
 - c. Meals prepared and delivered by an authorized delivery service to an eligible household;
 - d. Meals served by an authorized communal dining facility for the elderly or a supplemental security income household to an eligible household;
 - e. Meals prepared and served by a rehabilitation center;
 - f. Meals that are prepared and served by a facility to blind or disabled residents;
 - g. Meals prepared and served to eligible residents by a shelter for battered women and children;
 - h. Meals prepared and served by an appropriate authorized public or private nonprofit establishment that feeds homeless persons;
 - i. Meals prepared by a restaurant that contracts with an appropriate state agency to serve meals to homeless persons and households in which all persons are elderly or disabled.
3. Makes technical, clarifying and conforming changes.

CURRENT LAW

A.R.S. § 13-3701 makes it illegal to use food stamps if the person knowingly:

- Uses, transfers, acquires, possesses or redeems food stamps through fabricated means or material omission;
 - If the value of the food stamps is \$100 or less, it is a Class 1 misdemeanor (up to 6 months in jail, fine up to \$2,500 plus surcharges).
 - If the value of the food stamps is more than \$100, it is a Class 6 felony (presumptive 1 years of incarceration, fine up to \$150,000 plus surcharges).
- Counterfeits, alters, uses, transfers, acquires or possesses counterfeited or altered food stamps of EBT cards (Class 5 felony);

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SB 1106

- Appropriates food stamps with which the person has been entrusted or of which the person has gained possession by virtue of a position as a public employee (Class 5 felony); or
- Uses food stamps of another person after an unlawful transfer (Class 5 felony).

ADDITIONAL INFORMATION

The Department of Economic Security regulates food stamps under the Nutrition Assistance program (NA). Under the NA, the following foods cannot be purchased with NA benefits:

- Alcoholic beverages and tobacco;
- Non-food items such as soap, paper products, cleaning supplies and cooking utensils;
- Items used for gardening such as fertilizer, peat moss and similar products;
- Items that are not to be eaten by people such as laundry starch, dog and cat food, seeds packaged as bird seed or decorative dye used to color hard-cooked eggs;
- Vitamins and minerals in any form;
- All health aids, such as aspirin, cough drops or syrups, cold remedies, antacids and all prescription medicines; and
- Hot foods and prepared meals, except when the person is part of the Restaurant Meals Program (RMP).

In order to be eligible for the RMP, a person must be elderly, homeless, or have a disability.

ARIZONA HOUSE OF REPRESENTATIVES
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ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. SB 1106

DATE March 2, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Frieze		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:


EDDIE FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 15

ARIZONA STATE LEGISLATURE
Fifty-second Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON JUDICIARY

CHAIRMAN: Edwin W. Farnsworth VICE-CHAIRMAN: Sonny Borrelli

DATE	3/2 /16	/16	/16	/16	/16
CONVENED	10:06 a.m.	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	11:27 a.m.				
MEMBERS					
Mr. Frieze	✓				
Mr. Hale	✓				
Mr. Kern	✓				
Mr. Mesnard	✓				
Mr. Borrelli, Vice-Chairman	✓				
Mr. Farnsworth E, Chairman	✓				

✓ Present --- Absent exc Excused